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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,066	08/29/2001	Hua Wang	RD-29,123	6499

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GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
PATENT DOCKET RM. BLDG. K1-4A59  
SCHENECTADY, NY 12301-0008

EXAMINER

FONTAINE, MONICA A

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/942,066	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Monica A Fontaine	<b>Art Unit</b> 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 26-28 and 31-45 is/are rejected.
- 7) ☒ Claim(s) 17-25, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action is in response to the paper filed 27 January 2004.

The following rejections have been withdrawn:

- A. Double Patenting with USP 6,365,710
- B. 35 USC 103(a) over Taylor et al. (USP 5,079,307), in view of Todt et al. (USP 6,599,446): Claim 17
- C. 35 USC 103(a) over Taylor, Todt, and Wang (USP 6,365,710): Claims 18-25
- D. 35 USC 103(a) over Taylor, Hosomi et al. (USP 5,717,055), and Todt: Claim 29
- E. 35 USC 103(a) over Taylor, Hosomi, Todt, and Wang: Claim 30

Claims 1-16, 26-28, and 31-45 stand rejected as stated in the paper mailed 27 October 2003.

### ***Response to Arguments***

Applicant's arguments filed 27 January 2004 have been fully considered but they are not persuasive.

With regard to Claims 1, 2, 6, and 14, applicant contends that Taylor et al., hereafter "Taylor," do not teach the instant invention because he does not provide any details of how the extruder is configured during the formation of the prepolymer except to say that a powder seal is present. This is not persuasive because Taylor's Figure 1 gives a very explicit view of how the

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extruder is configured during the formation process. Applicant also contends that Taylor's melt seal shown in Figure 1 is not equal to his claimed "powder seal". This is not persuasive because not only does Taylor acknowledge that a powder seal is present in his invention, but also, the functional difference between a melt seal and a powder seal is not clear in the record. In applicant's specification, he discusses that the function of his powder seal is to prevent vapors from traveling backwards in the screw. It is unclear how Taylor's melt seal would fail to also accomplish this task. Although applicant asserts that melt seals and powder seals are fundamentally different, his argument does not replace evidence where evidence is necessary (MPEP 2145). Therefore, unless applicant can provide conclusive evidence that Taylor's melt seal would not function in an equitable manner relative to applicant's powder seal, their equality is maintained. Furthermore, since Taylor readily teaches the use of a powder seal (Column 2, lines 20-21), it is held that using either a melt seal or a powder seal would be an obvious choice available to one of ordinary skill in the art.

With regard to Claims 3-5, 7-13, 15, 16, 26-28, 31, applicant contends that the prior art of record does not teach these limitations for reasons related to their independent claim 1, which has been discussed above.

With regard to Claim 32, and dependent claims 33-45, applicant contends that this claim is "closely allied" with Claim 1. Applicant traverses the rejection of claims 32-45 in the same manner as he traversed claim 1. The examiner's response to the arguments with respect to claim 32 can be answered by the above response to claim 1 arguments.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Maf*

Maf  
April 14, 2004

  
**MICHAEL COLAIANNI**  
**PRIMARY EXAMINER**